

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GARY BRINER,)
vs.)
Plaintiff,)
vs.) Case No. 12-cv-1103-MJR-SCW
MARY MILLER,)
WEXFORD HEALTH SOURCES, INC.,)
DR. ELS,)
DR. E. MONTWILL,)
WARDEN GAETZ, and)
CHRISTINE BROWN,)
Defendants.)

MEMORANDUM AND ORDER

REAGAN, District Judge:

This civil rights action was commenced by Gary Briner in October 2012 under 42 U.S.C. 1983. An Order on threshold review under 28 U.S.C. 1915A dismissed 12 Defendants and allowed Briner's claims against 6 other Defendants to proceed (*see* Doc. 10). The Court permitted Briner to amend his complaint by interlineation in June 2013 (*see* Doc. 66), dismissing one Defendant (Christy Fenton) and adding another (Christine Brown). Answers and motions were filed, hearings were held, and Plaintiff Briner filed a change of address with the Court in early September 2013.

Briner failed to appear at a November 20, 2013 hearing before the Honorable Stephen C. Williams, U.S. Magistrate Judge. Briner failed to appear at a second hearing – a show cause hearing held on December 4, 2013 – before Judge Williams. Now before the Court is a Report and Recommendation (R&R) submitted by Judge Williams on December 5, 2013 (Doc. 96). The R&R recounts Briner's failure to appear at the two court hearings, his repeated failure to respond to discovery, and the fact he was specifically warned that continued neglect of his lawsuit could result in dismissal under Federal Rules of Civil Procedure 37(b) and/or 41(b).

The R&R recommends that the undersigned District Judge grant Defendants' joint oral motion (referenced at Doc. 93) to dismiss this case with prejudice based on Plaintiff's failure to diligently prosecute his case. The parties had until December 23, 2013 to file any objections to the R&R (Doc. 96, p. 4). That deadline has elapsed. No party filed any objections or requested an extension of the objection-filing deadline. Accordingly, pursuant to U.S.C. 636(b), the undersigned Judge need not conduct *de novo* review of the Report and Recommendations. **28 U.S.C. 636(b)(1)(C)** ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). *See also Thomas v. Arn*, 474 U.S. 140 (1985); *Johnson v. Zema Systems Corp.*, 170 F.3d 734, 741 (7th Cir. 1999); *Video Views Inc., v. Studio 21, Ltd.*, 797 F.2d 538 (7th Cir. 1986).

The Court hereby **ADOPTS** the R&R (Doc. 96) in its entirety, **GRANTS** Defendants' joint motion (Doc. 93), and **DISMISSES** this case with prejudice based on Plaintiff's failure to prosecute. All other motions (Docs. 84 and 87) and are rendered **MOOT**; all settings are canceled. The Clerk of Court shall enter judgment accordingly.

IT IS SO ORDERED.

DATED December 27, 2013.

s/Michael J. Reagan
Michael J. Reagan
United States District Judge